IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.521 OF 2004
IN
SUMMARY SUIT NO.418 OF 2004

Smt.Jayashree Laljibhai Mistry .. Plaintiff

Vs.

Shri Chandrakant @ Chandubhai
Jivan Kalelia and Anr. .. Defendants

Mr.Y.R.Dube for the plaintiff

Ms.Vidya Wyavahare i/b R.D.Sawant for the defendants

CORAM : S.U.KAMDAR, J
DATED : 31ST AUGUST, 2005

P.C.:

1. The present suit is filed for the recovery of amount on four dishonoured cheques. The claim in the suit is Rs.3,61,800/-. The defence raised in the present affidavit in reply is that out of the said claim the sum of Rs.2,11,999/- has been paid of by the defendants to the plaintiff. The defendants have produced details of the payment. On perusal of the said payment list there is no manner of doubt that the said payment is not towards suit claim but is in respect of interest on

the said amount lent and advanced. In view thereof, I find no defence in the present case. Summons for Judgment is made absolute. There shall be decree in favour of the plaintiff and against the defendant. However, the plaintiff will be entitled to further interest @ 18% from the date of the suit till payment and/or realisation. Refund of Court Fee as per rules. Suit as well as Summons for Judgment is disposed of accordingly.